

**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEW MEXICO**

JAMES K. JOYCE,

Plaintiff,

v.

No. Civ. 08-04 LH/WPL

ROGER CHESROWN, MARSHALL CHESROWN,  
BLACK ROCK DEVELOPMENT, INC., and  
ALLSTATE INSURANCE COMPANY,

Defendants.

**MEMORANDUM OPINION AND ORDER**

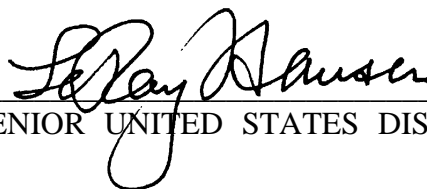
**THIS MATTER** comes before the Court on Defendant Roger Chesrown's ("Defendant R. Chesrown's") Motion for Reconsideration of the October 28, 2009 Memorandum Opinion and Order [Doc. 76], filed November 9, 2009. The issue presented is whether this Court, having previously remanded the matter to State court, has jurisdiction to rule on Defendant R. Chesrown's pending motion. Because the Court determines that it presently lacks jurisdiction to take further action in this case, the Court will deny the motion.

On October 28, 2009, this Court issued a Memorandum Opinion and Order, sua sponte, remanding this matter to the Fourth Judicial District Court for lack of diversity jurisdiction. [Doc. 73.] On that same date, the Clerk of the Court for the United States District Court for the District of New Mexico mailed a certified copy of the remand order to the Fourth Judicial District Court. [Doc. 74.] Thereafter, on November 9, 2009, Defendant R. Chesrown filed his motion for reconsideration. [Doc. 76.]

It is well-settled that once a district court certifies a remand order to state court, it is divested of jurisdiction and can take no further action on the case. *See, e.g., Seedman v. U.S. Dist. Court for Cent. D. of Cal.*, 837 F.2d 413, 413 (9th Cir. 1988); 28 U.S.C. § 1447(d) (“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise.”); *see also Schoen v. Presbyterian Health Plan, Inc.*, Nos. Civ. 08-0687 JB/WDS, 08-0970 JB/WDS, 2009 WL 2450277, at \*1-3 (D.N.M. July 29, 2009) (determining that a federal district court lacks jurisdiction over a remanded case and is therefore foreclosed from reconsidering its remand determination); *In re La Providencia Dev. Corp.*, 406 F.2d 251, 252-53 (1st Cir. 1969) (same); *Three J Farms v. Alton Box Bd. Co.*, 609 F.2d 112, 115 (4th Cir. 1979) (same); *First Union Nat'l Bank v. Hall*, 123 F.3d 1374, 1377 (11th Cir. 1997) (same).

Because this Court was divested of jurisdiction on October 28, 2009, when it entered its Order remanding the case, and because § 1447(d) bars reconsideration of a remand order, the Court cannot now entertain Defendant R. Chesrown's motion for reconsideration.

**IT IS THEREFORE ORDERED** that Defendant R. Chesrown's Motion for Reconsideration of the October 28, 2009 Memorandum Opinion and Order is hereby **denied**.

  
\_\_\_\_\_  
SENIOR UNITED STATES DISTRICT JUDGE